

Chandka

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 149 OF 2007  
IN  
CIVIL MISC. APPLICATION NO. 61 OF 1997  
IN  
S.C. SUIT NO. 5259 OF 1980

Dastan Private Limited ..Applicant

versus

Mrs. Jayashri Devi Ban & Ors. ..Respondents  
(Ori.Applicants)

And

Natwarlal Patel, since deceased  
through his heirs Smt. Sulochana  
Natwarlal Patel & Ors. ..Respondents  
(Ori.Resp. 1 to 8)

Mr. Shekhar Shethye, Sr. Counsel with Mr. Shankar  
Mhatre i/b. M/s. Pandya Gandhi & Co. for the  
Applicants.

Ms. Neelam J. Asrani for the Respondent Nos. 1 to  
4.

Mr. Karl Tamboli with Ms. Swati Deshpande for  
Respondent Nos. 5(a) (b), 6 and 7.

CORAM : S. A. BOBDE, J.  
DATE : 17TH OCTOBER, 2007.

P.C.

. By this Application filed in the year 2007,  
the present applicants seek that an Order dated  
29.7.1997 passed by this court in an application for

Chandka

transfer of the suit from the City Civil Court, Bombay, to the Original Side of this Court, be set aside; even though the applicant was not a party to the suit, which was transferred from the City Civil Court, Bombay, to the Original Side of this Court. The Applicant claims a right to apply to make the present application because the applicant is one of the defendants in Civil Suit No. 1268 of 1979 pending on the Original Side of this Court. The Applicant further claims an interest in the matter because he claims to have purchased the property which is the subject matter of the suit which is transferred from City Civil Court, Bombay, even though admittedly the applicant never asked for being impleaded as a party before the City Civil Court, Bombay.

2. The fact that the applicant is not a party to the suit which has been transferred from the City Civil Court, Bombay, for being heard and tried along with the suit on the Original Side of this Court, is sufficient to disentitle the applicant from making any grievance regarding order transferring the suits. The applicant's grievance seems to be that adjournments are being sought in the transferred

Chandka

suits and therefore that is affecting the progress of the suit on the Original Side of this court where the applicant is a party. That is a matter for which appropriate orders can be sought from the appropriate court hearing the suit.

3. Having regard to the fact that the applicant is not a party to the suit which has been transferred and is in any case seeking to have an order passed in the year 1997 set aside by filing an application in the year 2007, I am of the view that application does not deserve to be entertained and is hereby dismissed with costs.

(S.A. BOBDE, J.)